

DELEGATED DECISION REPORT

SMD/2022/0266
Valid 06/06/2022

ROCK COTTAGE CHEADLE
ROAD
WETLEY ROCKS

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED DETACHED
GARAGE

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

DESCRIPTION OF SITE

PROPOSAL

This application seeks approval for a certificate of lawfulness for proposed development under Section 192 of the Town and Country Planning Act 1990 for a detached garage. The single storey garage will have a length of 7 metres and a width of 6.5m. The total height of the extension will be 4 metres. The permitted development rights are intact.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 192 of The Town and Country Planning Act 1990 (as amended). The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E

SITE HISTORY

No relevant history

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Block Plan
- Location Plan

OFFICER COMMENTS

Section 192 of The Town and Country Planning Act 1990 (as amended) entitles any person to ascertain whether-

(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question. If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Subsequently, the main considerations in respect of this application are whether the erection of a single storey garage is in accordance with The Town and Country

Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

E.1 Development is not permitted by Class E if – a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

The application site has not previously been involved as part of a change of use.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) **The proposed works will not exceed 50% of the total area of the curtilage.**

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse **The proposed garage is not located forward of the principal elevation of the original dwellinghouse.**

(d) the building would have more than a single storey
The proposed garage is single storey.

(e) the height of the building, enclosure or container would exceed –
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case

The building features a dual-pitched roof and is no more than 4m high setback 2 metres of the boundary of the curtilage of the dwellinghouse.

(f) the height of the eaves of the building would exceed 2.5 metres
The height of the eaves of the building would not exceed 2.5 metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building
The garage would not be situated within the curtilage of a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform.

It does not include any of the points listed under part h.

(i) it relates to a dwelling or a microwave antenna
It does not relate to a dwelling.

(j) the capacity of the container would exceed 3,500 litres.
Not applicable.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within - (a) a World Heritage Site, (b) a National Park, (c) an area of outstanding natural beauty or (d) the Broads, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The site is not located in any of the points listed under E.2.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

The site is not located in article 2(3) land.

Conclusion

The proposed garage meets the above permitted development requirements and therefore a Certificate of Lawful Development can be issued under Section 192 of the Town and Country Planning Act 1990.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Li

Recommendation Date: 27/06/22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council